

ORIGINAL

DMB:KLM:slg:2001V00150

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

RONALD TUCKER, :
Petitioner :
: v. : Civil No. 1:CV-00-1780
: (Judge Kane)
MICHAEL ZENK, et al., :
Respondent :
: Per MARY E. DIANDREA CLERK
: DEPUTY CLERK

MOTION FOR ENLARGEMENT OF TIME

Pursuant to Fed. R. Civ. P. 6(b), respondents request the Court to grant them a ten day enlargement of time in which to file their response to the Court's show cause Order. Respondents state the following in support thereof:

1. Petitioner is an inmate incarcerated at the Allenwood Federal Correctional Institution in White Deer, Pennsylvania.
2. On October 10, 2000, petitioner filed a 28 U.S.C. §2241 habeas corpus petition challenging the Bureau of Prisons calculation of his sentence.
3. By Order dated January 31, 2001, respondent was ordered to show cause on or before February 20, 2001, why petitioner should not be granted habeas corpus relief.
4. In the past week, counsel was ill causing her already jammed schedule to back up. On this date, counsel completed one

Third Circuit brief and must file two more by February 20, 2001. Additionally, counsel has five other briefs and habeas responses due on February 20, 2001. The undersigned cannot physically complete all these briefs by February 20th. Additionally, the undersigned has a number of other habeas briefs she is required to write within the next two weeks, plus briefs in various prisoner cases, plus another Third Circuit brief. Also, counsel has a significant reply brief to file in an employment discrimination case within this same time period. Last, the undersigned notes that the BOP presently is experiencing a staff shortage such that the undersigned is not receiving legal support in any prisoner cases that are pending or are received.

5. Accordingly, respondent requests a ten day extension of time to March 2, 2001 to file a response to the habeas petition.

WHEREFORE, on behalf of respondents, the United States Attorney's Office requests a ten day enlargement of time until March 2, 2001, in which to respond to the allegations of the petition. Counsel certifies that she has not sought the concurrence of petitioner because petitioner is a prisoner proceeding pro se. M.D. Pa. Local Rule 7.1.

Respectfully submitted,

DAVID M. BARASCH
United States Attorney



KATE L. MERSHIMER
Assistant U.S. Attorney
SHELLEY L. GRANT
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217 Federal Building
228 Walnut Street
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Dated: February 16, 2001

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:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on February 16, 2001, she served a copy of the attached

MOTION FOR ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the places and addresses stated below, which is the last known addresses, and by depositing said envelope and contents in the United States Mail in Harrisburg, Pennsylvania.

Addressee:

Ronald Tucker
Reg. No.
FCI Allenwood
P.O. Box 2000
White Deer, PA 17887

Shelley L. Grant
SHELLEY L. GRANT
Paralegal Specialist